

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2018-325-E

IN RE:

**Frederick Carlos Howard,
Complainant/Petitioner,**

v.

**Duke Energy Carolinas, LLC,
Defendant/Respondent.**

**Duke Energy Carolinas, LLC's
Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because it fails to allege any violation of an applicable statute or regulation with respect to DEC’s handling of Complainant’s account, and a hearing in this case is not necessary for the protection of substantial rights.

The basis of this Complaint and DEC’s response involves almost exclusively customer-specific account information, which is set forth in the affidavit of Ted Allen, Senior Consumer Affairs Specialist at DEC, attached here to as Confidential Exhibit A. Additional details regarding Complainant’s account are set forth in Exhibit B, which shows Complainant’s three-year billing and payment history. The Company requests confidential treatment of these exhibits on the basis that they contain confidential, customer-specific account information. The Company also requests that the Commission hold in abeyance the filing deadlines for all parties and the hearing date until this motion is resolved. In support of its motion, DEC shows the following:

ARGUMENT

DEC requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that “a hearing is not necessary in the public interest or for the protection of substantial rights.” The Complaint fails to allege any violation of an applicable statute or regulation with respect to DEC’s billing or handling of his account. Mr. Howard’s billing records show that the Company is charging the appropriate tariff rate approved by the Commission for the registered usage. Moreover, Confidential Exhibits A and B show in detail the efforts made by the Company to accommodate Complainant through various billing arrangements.

Accordingly, DEC respectfully requests that the Complaint be dismissed because it fails to adequately allege any violation of an applicable statute or regulation with respect to DEC’s handling of Mr. Howard’s account. Consistent with S.C. Code Ann. § 58-27-1990, a hearing is not necessary for the protection of substantial rights in this case.

CONCLUSION

DEC has worked diligently to be flexible with respect to Mr. Howard’s account. Complainant fails to adequately allege any violation of an applicable statute or regulation with respect to DEC’s handling of Complainant’s account, and a hearing in this case is not necessary for the protection of substantial rights. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice; grant confidential treatment of customer-specific information contained in Exhibits A and B; hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and requests such other relief as the Commission deems just and proper.

Heather Shirley Smith, Deputy General Counsel
Rebecca J. Dulin, Senior Counsel
Duke Energy Carolinas, LLC
40 West Broad St, Suite 690
Greenville, SC 29601
Telephone 864.370.5045
heather.smith@duke-energy.com
rebecca.dulin@duke-energy.com

and

s/Samuel J. Wellborn
Frank R. Ellerbe, III (SC Bar No. 01866)
Samuel J. Wellborn (SC Bar No. 101979)
ROBINSON GRAY STEPP & LAFFITTE, LLC
P.O. Box 11449
Columbia, SC 29211
(803) 929-1400
fellerbe@robinsongray.com
swellborn@robinsongray.com

Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina

October 31, 2018

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EXHIBIT A
AFFIDAVIT OF TED ALLEN,
DUKE ENERGY CAROLINAS, LLC
SENIOR CONSUMER AFFAIRS SPECIALIST

CONTAINS CONFIDENTIAL CUSTOMER INFORMATION
FILED UNDER SEAL

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EXHIBIT B
BILLING AND PAYMENT HISTORY

CONFIDENTIAL, CUSTOMER INFORMATION
FILED UNDER SEAL

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CERTIFICATE OF SERVICE

This is to certify that I, Toni C. Hawkins, a paralegal with the law firm of Robinson Gray Stepp & Laffitte, LLC, have this day caused to be served upon the person(s) named below **Duke Energy Carolinas, LLC's Motion to Dismiss** in the foregoing matter by placing a copy of same in the U.S. Mail and/or via hand delivery addressed as follows:

Frederick Carlos Howard
140 Wickersham Way
Easley, SC 29642
carloshoward11@gmail.com

Jenny R. Pittman, Esquire
Alexander W. Knowles, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
jpittman@regstaff.sc.gov
aknowles@regstaff.sc.gov

Dated at Columbia, South Carolina this 31st day of October, 2018.

